

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: MATSUYAMA2

In re Application of:)	Conf. No.: 8121
)	
Reiko MATSUYAMA et al.)	Art Unit: 1656
)	
Appln. No.: 10/576,978)	Examiner: M. Monshipouri
)	
Filed: November 12, 2008)	Washington, D.C.
)	
For: NOVEL PROTEIN HIGHLY)	July 7, 2010
PRODUCING RECOMBINANT...)	

TERMINAL DISCLAIMER

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

JURIDICAL FOUNDATION THE CHEMO-SERO-THERAPEUTIC
RESEARCH INSTITUTE, a corporation of the Country of Japan,
having a principal place of business at 6-1, Okubo 1-chome,
Kumamoto, 860-8568, (hereinafter referred to as "Assignee"), is
the owner of 100% of the entire right, title and interest in
and to the above-identified application and any patent to be
granted thereon. Assignee, through its undersigned attorney of
record, hereby disclaims the terminal part of any patent
granted on the above-identified application which would extend
beyond the expiration date of the full statutory term of United
States application serial no. 10/566,266, plus any extension
thereof which may be subsequently granted, and hereby agrees
that any patent so granted on the above-identified application

shall be enforceable only for and during such period that said patent is commonly owned with United States application serial no. 10/566,266, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns. Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States application serial no. 10/566,266 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(1), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above. This terminal disclaimer is being made without waiver of petitioner's rights under 35 U.S.C. §156, or elsewhere, which may be available to extend the term of any patent granted on the above-identified application beyond the date set by this terminal disclaimer (37 C.F.R. §1.775(a)). The fee required by 37 C.F.R. §1.20(d) is attached hereto.

It is Assignee's intent that the amount of time disclaimed and the scope of the common ownership clause be the minimum required by law and this document is to be construed to effectuate said intent. No admission is made that any claim of

In re of Appln. No. 10/576,978

the above-identified application is obvious over any claim of application serial no. 10/566,266.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The statutory disclaimer fee of \$140.00 per 37 C.F.R. §1.20(d) is attached.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /jfw/
Jay F. Williams
Registration No. 48,036

JFW:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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